

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,
BIOPTIX, INC., JOHN O'ROURKE,
JEFFREY G. MCGONEGAL, BARRY
HONIG, CATHERINE
DEFRANCESCO, MICHAEL
BEEGHLEY, JOHN STETSON, MARK
GROSSMAN, ANDREW KAPLAN,
MIKE DAI, JASON LES, and ERIC SO,

Defendants.

Civil No. 3:18-CV-02293(FLW)(TJB)

MOTION DATE: November 4, 2019

ORAL ARGUMENT REQUESTED

**NOTICE OF RIOT BLOCKCHAIN DEFENDANTS' MOTION TO
DISMISS THE CORRECTED CONSOLIDATED AMENDED CLASS
ACTION COMPLAINT FOR VIOLATION OF THE FEDERAL
SECURITIES LAWS**

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*RIOT BLOCKCHAIN, INC., JOHN O'ROURKE, MICHAEL BEEGHLEY, AND
JEFFERY G. MCGONEGAL*

PLEASE TAKE NOTICE that on November 4, 2019, or at such other date as may be set by the Court, Defendants Riot Blockchain, Inc. (“Riot” or the “Company”), Michael Beeghley (“Beeghley”), John O’Rourke (“O’Rourke”), and Jeffery G. McGonegal (“McGonegal”), by and through their undersigned attorneys, will move the Honorable Freda L. Wolfson, United States District Judge Clarkson S. Fisher Building & Courthouse, 402 East State Street Room 2020, Trenton, NJ 08608, for an Order pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(b) (the “Reform Act”), dismissing with prejudice Lead Plaintiff Dr. Stanley Golovac’s (“Lead Plaintiff”) Corrected Consolidated Amended Class Action Complaint in the above-captioned matter (the “Amended Complaint” or “CCAC”).

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely on this Notice of Motion, the accompanying Memorandum of Law, the accompanying Request for Judicial Notice, the accompanying Declaration of Thomas A. Zaccaro and the Exhibits attached thereto, and on such other written and oral argument as may be presented to the Court as well as all pleadings and proceedings had to date herein.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

DATED: September 3, 2019

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By: /s/ Chad J. Peterman

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